

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES
THAT THE UNITED STATES SHOULD DECLARE ITS SUPPORT
FOR THE INDEPENDENCE OF KOSOVA; AND RESOLUTION
OF THE ETHIOPIA-ERITREA BORDER DISPUTE ACT OF 2003

MARKUP
BEFORE THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

ON

H. Res. 28 and H.R. 2760

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EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE UNITED STATES SHOULD DECLARE ITS SUPPORT FOR THE INDEPENDENCE OF KOSOVA; AND RESOLUTION OF THE ETHIOPIA-ERITREA BORDER DISPUTE ACT OF 2003

THURSDAY, OCTOBER 7, 2004

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 10:13 p.m., in room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The meeting will come to order. Pursuant to notice, I now call up the resolution H. Res. 28, expressing the sense of the House that the United States should declare its support of the independence of Kosova, for purposes of markup, and move its favorable recommendation to the House. Without objection, the resolution will be considered as read and open for amendment at any point.

[H. Res. 28 follows:]

108TH CONGRESS
1ST SESSION

H. RES. 28

Expressing the sense of the House of Representatives that the United States should declare its support for the independence of Kosova.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2003

Mr. LANTOS (for himself and Mr. HYDE) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Expressing the sense of the House of Representatives that the United States should declare its support for the independence of Kosova.

Whereas the United States and the international community recognize that a right to self-determination exists as a fundamental right of all people;

Whereas Kosova was constitutionally defined as a sovereign territory in the First National Liberation Conference for Kosova on January 2, 1944, and this status was confirmed in the Constitution of the Socialist Federal Republic of Yugoslavia adopted in 1946, and the amended Yugoslav constitution adopted in 1974 preserved the autonomous status of Kosova as a de facto republic;

Whereas prior to the disintegration of the former Yugoslavia, Kosova was a separate political and legal entity with sep-

arate and distinct financial institutions, police force, municipal and national government, school system, judicial and legal system, hospitals and other independent organizations;

Whereas Serbian dictator Slobodan Milosevic rose to power in 1987 on a platform of ultranationalism and anti-Albanian racism, advocating violence and hatred against all non-Slavs and specifically targeting the Albanians of Kosova;

Whereas Slobodan Milosevic subsequently stripped Kosova of its self-rule, without the consent of the people of Kosova;

Whereas the elected Assembly of Kosova, faced with these intolerable acts, adopted a Declaration of Independence on July 2, 1990, proclaimed the Republic of Kosova, and adopted a constitution on September 7, 1990, based on the international legal principles of self-determination, equality, and sovereignty;

Whereas in recognition of the de facto dissolution of the Yugoslav federation, the European community established principles for the recognition of the independence and sovereignty of the republics of the former Socialist Federal Republic of Yugoslavia and Kosova fully satisfied those principles as a de facto republic within the federation;

Whereas a popular referendum was held in Kosova from September 26–30, 1991, in which 87 percent of all eligible voters cast ballots and 99.87 percent voted in favor of declaring Kosova independent of the Socialist Federal Republic of Yugoslavia;

Whereas, from the occupation of Kosova in 1989 until the North Atlantic Treaty Organization (NATO) military action against the Milosevic regime in 1999, the Albanians

of Kosova were subjected to the most brutal treatment in the heart of Europe since the Nazi era, forcing approximately 400,000 Albanians to flee to Western Europe and the United States;

Whereas in the spring of 1999 almost 1,000,000 Kosovar Albanians were driven out of Kosova and at least 10,000 were murdered by the Serbian paramilitary and military;

Whereas Slobodan Milosevic was indicted by the International War Crimes Tribunal and extradited to The Hague in June 2001 to stand trial for war crimes, crimes against humanity, and genocide in Kosova, Bosnia, and Croatia;

Whereas the United Nations established Kosova as a protectorate under Resolution 1244, ending the decade long Serbian occupation of Kosova and Milosevic's genocidal war in Kosova;

Whereas Kosovar Albanians, together with representatives of the Serb, Turkish, Roma, Bosniak, and Ashkali minorities in Kosova, have held free and fair municipal and general elections in 2000 and 2001 and successfully established a parliament in 2002, which in turn elected a president and prime minister;

Whereas 50 percent of the population in Kosova is under the age of 25 and the unemployment rate is currently between 60 and 70 percent, increasing the likelihood of young people entering criminal networks, the source of which lies outside of Kosova, or working abroad in order to survive unless massive job creation is facilitated by guaranteeing the security of foreign investments through an orderly transition to the independence of Kosova;

Whereas the Kosova parliament is committed to developing a western-style democracy in which all citizens, regardless

of ethnicity, are granted full human and civil rights and are committed to the return of all noncriminal Serbs who fled Kosova during and after the war; and

Whereas there is every reason to believe that independence from Serbia is the only viable option for Kosova, after autonomy has failed time and time again: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that the United States should—

3 (1) publicly support the independence of Kosova
4 and the establishment of Kosova as a sovereign and
5 democratic state in which human rights are re-
6 spected, including the rights of ethnic and religious
7 minorities, as the only way to lasting peace and sta-
8 bility in the Balkans;

9 (2) recognize the danger that delay in the reso-
10 lution of Kosova's final status poses for the political
11 and economic viability of Kosova and the future of
12 Southeast Europe;

13 (3) work in conjunction with the United Na-
14 tions, the North Atlantic Treaty Organization, and
15 other multilateral organizations to facilitate an or-
16 derly transition to the independence of Kosova; and

17 (4) provide its share of assistance, trade, and
18 other programs to support the government of an
19 independent Kosova and to encourage the further

6

5

- 1 development of democracy and a free market economic system.
- 2

○

Chairman HYDE. The Chair yields himself 5 minutes for purposes of presenting a statement.

International attention to the Balkans region has been diverted since September 11, 2001, and the ensuing wars in Afghanistan and Iraq. Sadly and regrettably, the region exploded into a new round of violence in March of this year.

Since I have been Chairman, this Committee has attempted to address through a number of hearings the continuing and underlying inadequacies of international policies in the Balkans, policies which were to a large extent imposed on the region.

In 1999, NATO intervened militarily in Serbia in what was the first NATO military operation in the history of the alliance. It is easy to understand why the final status of Kosovo was left undetermined at the time.

The current status of Kosovo is governed by U.N. Security Council 1244, passed in June 1999 at the end of the Kosovo conflict. The resolution authorizes an international military and civilian presence in Kosovo, the duration of which is at the direction of the U.N. Security Council. The NATO-led peacekeeping force, KFOR (Kosovo Force), is charged with maintaining a secure environment while the U.N. mission in Kosovo (UNMIK) is given the chief role in administering Kosovo on a provisional basis.

The resolution provides for an interim period of autonomy for Kosovo of undefined length until negotiations on the future status of the province takes place. UNMIK is tasked with gradually transferring its administrative responsibilities to elected, interim, autonomous government institutions while retaining an oversight role. In a future stage, UNMIK will oversee the transfer of authority from the interim autonomous institutions to permanent ones after Kosovo's future status is determined.

UNSC Resolution 1244 provides little insight into how the status issue should be resolved, saying only that it should be determined by an unspecified "political process."

In the aftermath of the violence in March of this year, confidence in the ability of the U.N. to administer Kosovo reached a new low. Through the leadership of the U.S. Administration, in close cooperation with our European allies, the aforementioned "political process" resolving the status issue has been reenergized and reinvigorated over the past 6 months. The goal of this process is to achieve the true goal of nation-building: To return power to competent, responsible, and representative local government.

In the meantime, political developments within Serbia have improved considerably. President Boris Tadic was elected President of Serbia in June of this year by a majority of Serbian voters, who chose his path of reform and opportunity over radicalism, isolation, and conflict. And just this past weekend, Serbia completed democratic, free and fair municipal elections.

President Tadic visited Washington in July of this year and met with the Committee Members. He recently wrote me a letter expressing his concern about how sensitive the political situation is within Serbia and how the wrong signal could potentially upset the delicate political process in the region, and perhaps even the participation of all groups in the upcoming October 23rd Kosovo elections.

Today, Committee consideration of this resolution does not condone the violence of this past March in the region. I condemn the violence. This resolution conveys that the status quo of the past 5 years is unacceptable. All sides must participate to engage in this most difficult political process to ensure that all Kosovars can create a future where they can live in security, prosperity and freedom. That is why the Committee is considering this resolution today, and that is why I support the resolution.

I yield to my friend, the Ranking Democratic Member, Tom Lantos, for such remarks as he chooses to make.

[The prepared statement of Mr. Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

H. RES. 28

International attention to the Balkans region has been diverted since September 11, 2001, and the ensuing wars in Afghanistan and Iraq. Sadly and regrettably, the region exploded into a new round of violence in March of this year.

Since I have been Chairman, this Committee has attempted to address through a number of hearings the continuing and underlying inadequacies of international policies in the Balkans, policies which were, to a large extent, imposed on the region.

In 1999, NATO intervened militarily in Serbia, in what was the first NATO military operation in the history of the alliance. It is easy to understand why the final status of Kosovo was left undetermined at that time.

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Kosovo of undefined length, until negotiations on the future status of the province take place. UNMIK is tasked with gradually transferring its administrative responsibilities to elected, interim, autonomous government institutions, while retaining an oversight role. In a future stage, UNMIK will oversee the transfer of authority from the interim autonomous institutions to permanent ones, after Kosovo's future status is determined. UNSC Resolution 1244 provides little insight into how the status issue should be resolved, saying only that it should be determined by an unspecified "political process."

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That is why the Committee is considering this resolution today. That is why I support this resolution.

Mr. LANTOS. Thank you very much, Mr. Chairman. And I would like to ask for my colleagues' undivided attention, and I would like to ask my colleagues to listen to this discussion with a truly open mind.

There are few issues I have been personally as deeply engaged in during the last 24 years of my service in this body than the issue of Kosova. And today we are at an historic juncture as we vote on this resolution. And I would like to discuss the background of this resolution in some depth.

Mr. Chairman, I am convinced that the only way to address the problem of the political, economic and social instability that continues to plague the Balkans, and the only way to prevent renewed violence in the region, is to grapple with the issue of Kosova's final status. It is my belief that the sooner we deal with that problem, the better it will be for the peace and stability of the region.

Since our successful military action against the Federal Republic of Yugoslavia in 1999, the international community has joined Kosovars in rebuilding their country, revitalizing their economy, establishing democratic institutions of self-government, and healing the scars of war. However, progress in Kosova, which currently is a United Nations protectorate, is being held up by uncertainty about its political status.

Under former Yugoslav President Slobodan Milosevic, the Yugoslav Government dismantled Kosova's political structure. Before the breakup of the former Yugoslavia, Kosova was an autonomous province under Milosevic. Kosovars were subjected to systemic persecution and discrimination. Ethnic Albanians were replaced by Serbs in most jobs. Serb-owned firms took over Albanian-owned companies. And Albanians were prohibited from purchasing or improving property.

I traveled to Kosova beginning in the 1980s on numerous occasions and I personally witnessed this tragedy time and time again. I talked to a large group of Kosovars at the capital city of Pristina on the main square. These men, women and children greeted my wife and me with joy, which was not aimed at us, it was aimed at the United States and the freedom we represented. Serbian policemen were beating the crowd at the edges all around the square while Kosovars were chanting, "USA, USA." I will never forget that scene.

All of us watched in horror the mass devastation of ethnic Albanians by Serbian paramilitary forces with the enthusiastic support of the Milosevic Government. Kosovars were killed, their homes were burned and pillaged, and hundreds of thousands of them were made homeless. All of us remember the scenes as they were pushed out of their homeland where they had lived for centuries, old ladies carrying their grandchildren in their arms, pregnant women being pushed across the border. It was one of the most horrific sights of Europe since the Holocaust.

The United States, with the assistance of many of our European allies, was able to halt the tragedy and helped to stabilize the situation. Today, as we meet here, Kosova is under United Nations protection, but, of course, the problems that remain are extremely

serious. Unemployment is over 60 percent. The economic crisis increases the likelihood that Kosovars—half of them are under the age of 25—will either enter criminal networks or will leave to find work abroad in order to survive. The perpetuation of these economic difficulties heightens the potential for continued instability in the Balkans and it undermines our national security interests in this important region.

Achieving genuine long-term political and economic stability requires reconstruction assistance, but just as importantly, it demands a resolution of the political status of Kosova. International private investments, loans from the World Bank are delayed or not even considered because of questions about the long-term status of Kosova.

Mr. Chairman, you expressed the link with special eloquence in a speech in 2002 when you said, and I quote Chairman Hyde:

“There will be no jobs without peace and stability in Kosovo, but there will be no peace and stability without independence.”

Under the Yugoslav Constitution of 1974, Kosova was equivalent in most ways to the other constituent republics of Yugoslavia—Slovenia, Croatia, Bosnia, Macedonia. As an autonomous province, Kosova exercised the same powers as the other republics. It had its own Parliament, it had its own high court, it had its central bank, it had its own police service, and it had its local defense force. Through constitutional change, Kosova was recognized as a constituent element of the Yugoslav Federal System.

Now, when Slovenia and Croatia demanded independence in 1991, Western European governments, including our own Department of State, opposed recognizing the right of those republics to self-determination.

I want to repeat this, Mr. Chairman, because we are hearing from the same State Department the dilatory, meaningless statements issued with respect to Kosova that they issued with respect to Slovenia, Croatia and all the others.

I remember marching with a large group of my Croatian friends on Union Square in San Francisco demanding that the State Department allow Croatia to become independent. Croatia is an independent country; it will become a member of NATO, it will become a member of the European Union. Slovenia already is. What we are talking about is an interim solution, because at the end of the rainbow in Europe, there is the European Union. And just as Slovenia is a member of the European Union, I hope, Mr. Chairman, and I know, Mr. Chairman, that the other former constituent republics of Yugoslavia will all become members of the European Union.

We simply cannot go on with the status quo of continued subservience and subjugation of the Albanian people of Kosova.

The State Department sent another letter this time, as it did 12 years ago, saying this is not the time. Well, let me tell the State Department and its representatives in the room that no couple is ever ready for parenthood and no nation is ever ready for nationhood; yet couples have had children and groups of people have formed nations since time immemorial. So these boilerplate phrases that this is not the time, we have heard this ad nauseam and ad infinitum.

Eventually, Mr. Chairman, our Government and the rest of the world acknowledged the independence of Slovenia and Croatia and the independence of Bosnia and Herzegovina and Macedonia. Let me mention parenthetically that Kosova has a larger population than either Slovenia or Macedonia, 2½ million people, fully capable of moving toward independence.

We have found, Mr. Chairman, that self-determination for those nations has involved not so much a change of borders as a change in the status of existing borders. The lines on the map remain the same but their status is upgraded from a constituent republic within a federation that no longer exists to an independent nation. This has contributed to the stability and progress of these countries. Kosova is entitled to the same treatment. There must be no double standard.

Let me now touch upon a highly sensitive issue. The United States is accused by its opponents in the media and elsewhere, like Al-Jazeera, that we discriminate against Muslim entities. Kosova is an overwhelmingly Muslim entity. It has a significant Christian population but the bulk of the people are Muslims. Yesterday, the European Union took an historic step opening the door to Turkey's eventual admission as a full member of the European Union. It would be a disgrace if the International Relations Committee of the United States House of Representatives—using whatever obfuscation we might choose—would now deny an overwhelmingly Muslim European entity the right to move toward independence. This would be a great victory for all of our enemies everywhere. It would be a great victory for Al-Jazeera. It would be described as a new crusade against Islam. That is the last thing we are engaged in. We want to integrate the people of Kosova into Europe. They are valuable and useful citizens, just as they are when they come to New York or Los Angeles or anywhere else in this country.

Persistent tensions in the Balkans cannot be resolved if we continue to delay a determination of Kosova's final status. To achieve a just and lasting peace in the Balkans, we must move toward giving Kosova its independence today. The people of Kosova must understand that the human rights of the Serbian minority must be protected without a moment's lapse. The Serbian citizens living in Kosova are entitled to precisely the same protection that the Kosovar citizens are. But we have received this assurance from the Kosovar leadership. I urge all of my colleagues to join our distinguished Chairman, Chairman Hyde, and me in supporting this resolution.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you, Mr. Lantos.

The Chair will entertain motions to strike the last word.

Mr. BURTON. Mr. Chairman.

Chairman HYDE. And the Chair recognizes Mr. Burton.

Mr. BURTON. Well, first of all, Mr. Chairman, I have the highest regard for you and Mr. Lantos, and I think Mr. Lantos knows that. He and I have become very good friends over the years.

I don't believe and I hope that no one will consider my vote, which is going to be against the resolution, to be one that is anti-Muslim. I have spoken at probably 50 mosques around the country, have a lot of friends who are Muslims, and I believe that problems

that we have worldwide with Muslims and Muslim leaders need to be discussed and worked out in an equitable way. So I want to say that at the outset.

Now, Milosevic is no longer the Dictator of Serbia. We had a meeting here with Boris Tadic about, what, 3, 4, or 5 weeks ago. I chaired that meeting and he committed to me, along with the members of his Administration, his desire to reach out to every governmental entity surrounding Serbia to try to work out their differences so that everything would be resolved in a peaceful way. And the problems would be solved without more conflict.

I am aware of the ethnic cleansing that has taken place on both sides, on all sides. We are all aware of that, and it has been a real tragedy. It is not confined to one ethnic group or another. It has been going on all over. Serbian churches have been burned, and Serbian people have been killed, and Muslim people have been killed in Kosovo. I mean, I understand all that.

But our State Department—and I want to read a little bit of this letter. And then, if I might, Mr. Chairman, I would like to have a representative of the State Department—if they want to—illuminate a little bit on this issue. I believe Kathleen Stephens is here with us representing the State Department. Maybe she could make a comment or two. But let me just read a little bit of this. The letter—and I don't know if all my colleagues have seen it, but here is what it says:

“I am writing to express our concern over H. Res. 28, which would declare the House in favor of independence for Kosovo. Such a resolution at this pivotal moment will undermine the important progress toward peace and freedom we and our allies are making in the region. The next few months will be key to moving toward our envisioned mid-2005 discussion of Kosovo's future status. Since the terrible violence in March, we have worked with our partners in the Contact Group to reenergize the U.N. and support the reconstruction of damaged homes and schools. We are strongly engaged to ensure progress on minority rights and security while promoting transfer of significant responsibilities to Pristina's elected leaders after the October 23rd Assembly elections.”

And listen to this:

“When I met with Kosovo's leaders last week in Pristina, they welcomed this approach.”

I mean, just last week he met with these leaders, and they concurred.

In a courageous step, Serbian President Boris Tadic, on October 5th, called for Kosovo's Serbs to participate in the October elections despite serious opposition, and there have been calls for his impeachment because of that. So he is keeping his commitment to do everything he can to reach out and make sure that every party in that area is participating and working together.

And then they say:

“I respectfully request that your Committee not act on this resolution at this time. With your support, the United States can and will continue to play a key role in moving toward a future

for Kosovo and for the broader region that is in the interest of all, a regional family on the path to Euro-Atlantic integration and to realization of a Europe, whole, free, and at peace.”

I think that says it all. We all want a resolution of the problem. The question is the timing and how we do it. I am afraid right now the State Department—it is not just the State Department, it is the National Security Council and the European Subcommittee—Mrs. Davis is opposed to it. The Embassy of Serbia and Montenegro is opposed to it. There is just a whole host of opposition. And while I have the highest regard for my good colleague, Mr. Lantos, I think this is the wrong resolution at the wrong time.

And with that, Mr. Chairman, I would respectfully request that we ask the State Department to add any additional information they would like to give to us.

Chairman HYDE. The Chair would tell the gentleman that we are in a markup and we don't hear witnesses, absent some technical interpretation that only a witness can provide. This would open up this meeting to a hearing, and I am disinclined to do that.

Mr. BURTON. Okay, Mr. Chairman. I will accede to your wishes. I just thought it might be illuminating. With that, I yield back the balance of my time.

Chairman HYDE. Thank you.

Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman.

I very strongly support the resolution. Whenever someone wants to throw cold water on a resolution, they always declare that it is not the right time, or that the intent is good, but you are going about it the wrong way. The people of Kosovo are entitled to the same thing that the rest of the people in the former Yugoslavia are entitled to.

One may take the position that it was a mistake to break up the former Yugoslavia. But the genie is out of the bottle and there are countries like Slovenia and other countries that are now independent—some of them even becoming members of NATO.

The people of Kosovo have suffered a long time. Everyone remembers the ethnic cleansing back in 1999 when Milosevic tried to make Kosovo free of Albanians. I chaired the Albanian Issues Caucus here in the Congress, so I know the issue very well, and I have been to Kosovo many, many, many times.

The people of Kosovo are entitled to have self-determination. They don't want to be part of Serbia anymore and they shouldn't be forced to be part of Serbia. They should be able to be free to determine their own destiny the way, again, other parts of the former Yugoslavia are free and were free to determine their own destiny.

Now, if one looks at the status of Kosovo, there is really only three statuses that could happen in the future, two of which are totally unacceptable and unworkable. One would be for the international community to continue to occupy or to stay in Kosovo and essentially run Kosovo as an international protectorate. That is not something long range that is possible or sustainable or workable.

The second would be even more preposterous, and that would be to pretend that somehow the Serbs or the Belgrade Government could continue to govern Kosovo the way it did prior to 1999. After 1999, the majority of Kosovo's population, Albanians, would never

allow themselves again, ever again, to be governed by Belgrade. You know, if there had been more enlightened leadership in Belgrade through the years, perhaps Kosovo—which was supposedly an autonomous region of the former Yugoslavia—could have continued in that status or maybe become a third republic. But it cannot happen anymore because of what happened with ethnic cleansing in 1999.

So, therefore, the only thing that is left, and the most righteous thing that is left, is self-determination. And, you know, we had better do it sooner rather than later because things are festering over there. Unemployment is high. People are becoming more and more despondent. And the nonsense with UNMIK and the United Nations just kind of pushing everything to the back burner and back burner and back burner—right now things are resolvable. The Albanians and the Kosovars love the United States and they want to be part of everything American. And we have an obligation and the ability to push things along. If we wait and continue, people are going to become more restive, radical elements are going to fan the fires, and we may not be able to put things back in order.

The standards before status is a joke. To me, it is just a matter of trying to prevent the people of Kosovo from getting a final status. It is a ruse. Every time they try to achieve final status, the ante is up, there are more roadblocks, there are things put in front of them.

And so I think this is a very, very sensible resolution. Again, why should the people of Kosovo be treated any differently than any of the people in the former Yugoslavia? Now, there has to be safeguards for minority rights. Nobody is saying that there shouldn't be, and I have said that many, many times before. However, self-determination and independence are very, very important.

You know, UNMIK has really messed things up. But even the United Nations report that was put forward has said that this cannot continue indefinitely, and that self-determination really is the only thing that is important and that can work.

Chairman HYDE. The gentleman's time has expired.

Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman. I want to thank you for your leadership, and I also want to thank Mr. Lantos. Oftentimes listening to him, it is like listening to a seminar by somebody who clearly has the utmost intelligence; and the way he can articulate issues, and even though he is a Democrat and I am a Republican, more often than not I find myself agreeing with his point of view. However, in this one instance I do not, and I would associate myself with the remarks that the gentleman from Indiana, Mr. Burton, previously made.

I am very troubled by this resolution and I have to oppose it in its present form. I am concerned that we might be sending the wrong message to those reform-minded leaders in Serbia and Montenegro that are seeking to promote stronger relationships with both the United States and the European-Atlantic institutions. And I fear a further Balkanization in that region if the ongoing efforts of those pro-Western leaders in Serbia are undermined by the passage of this very resolution.

It has only been a very few short months since the outbreak of the ethnic violence in Kosovo where a number of minority communities were victimized. Extremists murdered a number of innocents, hundreds of homes were burned, and centuries-old holy sites were destroyed. We had a priest in our office who showed us photographs of church after church—these are historic, irreplaceable churches—that were essentially reduced to rubble.

And I have to say it is also of concern the scant coverage that this got in the world press. Oftentimes they will cover things which one has to scratch his head and wonder why they are covering to the extremes that they do. But this received virtually no coverage in the world press at all.

At this point, I believe adoption of this particular resolution would not be productive. We all hope for the same thing: A lasting peace in the Balkans with peace and democracy and equal rights for all the parties that are involved. I do not, however, believe that adoption of this resolution will be helpful in that regard, and therefore I must respectfully oppose it. And I yield back.

Chairman HYDE. Mrs. Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chairman. I have listened with great intent to your presentation and to Mr. Lantos, our great leader, our Ranking Member. I have been to the Balkans. I have talked to them, not recently of course. But, again, I associate with some of the remarks that I have heard from my Democratic Members.

Nobody knows how to birth a baby until you have had a baby and what you are going to go through. For us to say that we should wait because it is in the best interest of the United States, what about the best interest of the Kosovans? I believe that we are dragging our feet in an area where we say one thing, but we mean another. And I trust that my colleagues will join me and support this great resolution. Thank you, Mr. Chairman.

Chairman HYDE. Mr. Rohrabacher.

Mr. ROHRABACHER. I will have to note that Mr. Lantos's observation that, you know, there is never a time when you can become a parent and be absolutely certain that you are prepared for it—that really struck home here.

Mr. LANTOS. I wasn't looking at you, Dana.

Mr. ROHRABACHER. But I would like to compliment Elliot Engel and you, Mr. Lantos, and the Chairman, for the hard work that you have put into this over a decade. I remember, a decade ago, going to meetings with Steny here and Elliot and the gang. There was a horrible story going on there. And we were meeting people in various parts of the Capitol who were telling us about these horrible murders and repression that were going on in Kosovo. I think that it is time for us to end this conflict. It is time for us to bring some peace to that area. And the way we do it is by making a decision and not putting off a decision.

I support this resolution strongly for practical and philosophical reasons. In the practical arena, we still have troops in this area and we will continue to have troops in this area until a decision is made. And no one here can deny that. If we simply put this off, 5 years from now we will continue to have our troops stationed there. And this is not a time when we should be using the energies

and resources of our own military in a place where they could be operating independently and have a democratic government and be able to function without us. The status quo with our troops there and the continuing status quo—not making a decision—is a cesspool of stagnation which is going to bring all the wrong elements to the fore; you know, what floats to the top when you have a situation like this where you don't permit people to have a strong economy because you have uncertainty. And so people will live in poverty, and when they live in poverty, they will turn to extremists.

We don't need that. We can now move forward and try to have reconciliation and try to find harmony just like they found in Croatia. The Serbs didn't want the Croatians to be independent, either. And, no, it is time that we make a decision. It is time the Western world makes a decision that the people of Kosovo have a right to determine their own destiny. And when we make that decision, freedom will work, liberty will work. It will bring harmony, it will not bring disharmony. And until that decision is made, until people are able to get out of this quagmire, there will continue to be disharmony and there will continue to be factionalism. There will continue to be hatred and there will always be a threat hanging over us.

So let us get moving. Let us work on a practical way, and the practical way is to let the people there make their own decision about what their status is. And that is what leads to the philosophical reason that I am in favor of this, and that is, we Americans believe that all people have a right to determine their own destiny through the ballot box. From the time we started down this path, we were told, well, that will cause all kinds of disruption in society and there are all kinds of potential downsides to letting people control their own destiny through the ballot box.

Well, no, freedom brings stability. We will not have stability until there is freedom. And the people of that part of the world—the Muslims of Kosovo, the Kosovars—have a right to determine their own destiny just like the American people have a right and just like the people everywhere have a right.

And, finally, let us look at the message that we are sending. By supporting this resolution, we are being consistent with our view that democracy is not just for Christian Europeans and Americans. It is for the Muslim world as well. And where people are dying in Iraq now to set that principle, to make sure that we can institute a democratic government there, well, how can we be against a democratic government in Kosovo while we are fighting for democracy in Iraq?

So let us send a message to the Muslim world. We believe in the right to determine your destiny through the ballot box. We believe in democracy. We believe that freedom will bring harmony in a society and permit people to live together. And we believe in respecting their rights. Once we respect the rights of the majority of the people there—the Kosovars—they then will respect the rights of their minority—the Serbian minority.

Chairman HYDE. The gentleman's time has expired.

Mr. Schiff.

Mr. SCHIFF. Mr. Chairman, I appreciate the opportunity to speak on the bill. And I find myself in a point of rare disagreement with

the Chair and the Ranking Member. I don't quarrel with many of the points that have been made about the desirability of Kosovar independence. But I do have concerns about the alacrity with which this bill has been brought before the Committee and the failure of the Full Committee to even have an oversight hearing on a matter as significant as declaring our support for the independence of Kosovo.

I, for one, would like to hear what the Secretary of State's office has to say about this in more detail than a single-sided letter that was drafted yesterday. And now I know Mr. Burton requested that we allow the State Department representative here today to speak, and the Chairman correctly pointed out this is not an oversight hearing, it is a markup. But that begs the question of why isn't this an oversight hearing on a matter of this importance?

I would like to know, in more detail, what effect this declaration would have on the ongoing discussions in the region. Are we going to undermine some of the reform-minded leadership there? And I don't have full answers to those questions. And, in fact, the Committee analysis, which is usually lengthy and sophisticated, in this case is a one-sided summary sheet. I just think an issue of this level of importance deserves more thought and more attention than we are giving it here today.

Mr. LANTOS. Will my friend yield for a moment?

Mr. SCHIFF. Yes, I would be glad to yield.

Mr. LANTOS. Long before you joined the Congress, Mr. Schiff, we have had countless hearings on this issue and the record of all of these hearings is available. This is not a snap judgment of Chairman Hyde and myself. We have been working on the issue of Kosova independence for two decades, and the documents are all there. The issues have not changed.

May I also say that this is not a new issue in Central and Eastern Europe. When you go down, just 150 yards from here, there is a statute of Louis Kossuth, who, in 1848, told the Austro-Hungarian monarchy that the Hungarians did not want to live under Austrian tutelage. That was over 150 years ago. These people are no less entitled to their own independence than the Slovenians, the Croatians, and every one of the other ethnic entities. They happen to be Muslim. That is the only difference. And in today's climate, that should be all the more reason that we support their right.

I thank my friend for yielding.

Mr. SCHIFF. And I thank the gentleman. And believe me, I would never compare my experience to my colleague from northern California, whom I respect and admire.

The problem, I think, is that not only has the gentleman from California been working on this long before I came to Congress; indeed, the gentleman has been working on it long before a majority of the Members of this Committee have been in Congress. And we are being asked to vote on it today. It is not for the edification of the Chair or the Ranking Member that I suggest that we have an oversight hearing, but rather for the rest of us who have not been working on this for decades and would benefit from hearing what our State Department has to say, what the witnesses in favor of a declaration of support for independence have to say.

I don't at all take issue with the fact that this has been a persistent issue for a very long time, but this Committee has not done the oversight it should do on this bill. And given that the State Department has come out in opposition, I think we should spend more time finding out why and make an informed judgment. It may be after that that I would speak in support of the measure. But I am concerned that we might undercut the very cause that is being advanced, and I would urge the Chairman and my colleagues to schedule an oversight hearing and put the bill back on calendar so that we all might give it the due diligence that it really deserves.

I yield back the balance of my time.

Chairman HYDE. The Chair accepts the reproach of the gentleman but informs him we did have a hearing on this issue last fall, about a year ago. This has been on the table for a long, long time. If the gentleman wants to know how the State Department feels, there is a letter at your chair from Mr. Grossman that explains that rather fully.

Mr. Nick Smith—and I would point out this is Mr. Smith's last hearing with this Committee; he is retiring, and he will be missed.

Mr. SMITH OF MICHIGAN. Thank you, Mr. Chairman. Just briefly.

You know, under U.N. control, the autonomous region, Kosovo, has made some state-like decisions including negotiating a free trade agreement with Albania. Ultimately, I think it is unlikely that Kosovo will return to Serbia even as an autonomous region, and I think it would be good for the Committee to review what the resolution says. This resolution reflects, I think, common sense and the opinion of many analysts—and, I suspect, most of the Members of this Committee—about the final form of a settlement. I think most would agree that finally, eventually, sometime, Kosovo should be an autonomous state.

Let me just review for the Committee what the resolving clauses of this resolution call for, and that is that it is the sense of the House to publicly support the independence of Kosovo and the establishment of Kosovo as a sovereign and democratic state in which human rights are respected, including the rights of ethnic and religious minorities, as the only way to lasting peace and stability in the Balkans.

And so the question is when? And I think that is the question of the State Department. When is it most appropriate?

And the other resolving clause says: Work in conjunction with the United Nations, the North Atlantic Treaty Organization, and other multilateral organizations to facilitate an orderly transition to the independence of Kosovo.

Orderly, in my mind, means also a reasonable, timely transition of that state. And so the resolution clause doesn't say do it tomorrow or even next month or next year, but it says eventually it should be there as an independent state and there should be an orderly transition. I think it is hard to disagree with that philosophy of what should eventually happen to Kosovo. And so I support the resolution.

Chairman HYDE. The Ambassador, Ms. Watson.

Ms. WATSON. I thank you, Mr. Chairman.

With the deepest respect for the Chair and Representative Lantos, the Ranking Member, I would like to hold my position until I

hear from Congresswoman Davis, who I thought sent a very compelling letter along with the letters that came from the State Department and others. At this time, to cast a vote would be premature for me until I can investigate the problems that are inherent in the letters that have been sent to me.

Thank you very much, Mr. Chairman. I yield back the rest of my time.

Chairman HYDE. Thank you, Ms. Watson.

Mrs. Jo Ann Davis.

Mrs. DAVIS. Thank you, Mr. Chairman.

Mr. Chairman, since my name has been invoked by several of my colleagues, I felt I have to say something. And let me just say, I have the greatest admiration both for you, Mr. Chairman, and for Mr. Lantos, the Ranking Member. I just want to say that as Chair of the Europe Subcommittee, I have looked at the situation in Kosovo, and my opposition is simply this: The timing of the resolution. I know I have heard the disagreements and the arguments on that statement, but I just don't think that we should be making this kind of statement at this time.

With all due respect to my colleague from California, Mr. Rohrabacher, I wish it were that simple, that by passing this resolution we could bring our troops home. I would like nothing better than that. But my concern in passing this resolution at this time is that it could have the opposite effect and I just think it is bad timing.

I yield back the balance of my time.

Mr. LANTOS. Mr. Chairman.

Chairman HYDE. The gentleman from California.

Mr. LANTOS. I have a parliamentary inquiry. My understanding is that we will have a series of votes beginning in 5 minutes. We have heard powerful and eloquent statements against this resolution. We have heard some comments in favor of the resolution. I wonder if it may not be possible to get to a vote before this meeting disintegrates. Because today, as we all know, we have a very heavy schedule. Very few people will return. After the votes we will lose our quorum. So I would respectfully suggest to all of my colleagues that we move toward a vote. Thank you.

Chairman HYDE. There are no more Members who are seeking to—

Mr. PAYNE. Mr. Chairman.

Chairman HYDE. All right. Mr. Payne.

Mr. PAYNE. I would move to strike the last word.

I also have some reservations. I was very, very involved with Kosovo-Americans in my district—not living in my district—but who came to me there. And during the situation, I visited refugee camps. It was cold and it was damp. They had tents. It was a terrible situation. So I have a very strong personal feeling for the people of Kosovo and the way they were treated.

However—as the bell rings, and that will shorten my speech—I do, too, believe that this may be premature. I think we should come back for a more thorough discussion. I certainly support Mr. Lantos in what he is attempting to do, but it seems to me that it may be better to postpone it at this time. We may send the wrong message.

Thank you, Mr. Chairman.

Chairman HYDE. Well, ladies and gentlemen, there are votes being called. I would entreat the Committee to come back after the vote. We have one amendment, at least, and this is a very important issue to an awful lot of people. So if you don't mind, make the effort.

Mr. Burton, you have an amendment?

Mr. BURTON. Mr. Chairman, I do have an amendment at the desk.

Chairman HYDE. The clerk will report the amendment.

The CLERK. Amendment in the nature of a substitute offered by Mr. Burton of Indiana:

“Strike the preamble, and insert the following: . . .”

Chairman HYDE. I ask unanimous consent that further reading of the amendment be dispensed with.

[The amendment in the nature of a substitute referred to follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 28
OFFERED BY MR. BURTON OF INDIANA**

Strike the preamble and insert the following:

Whereas United Nations Security Council Resolution 1244 (June 10, 1999) authorized the United Nations Mission in Kosovo (UNMIK) to administer Kosovo and to facilitate a political process designed to determine Kosovo's future status and, in the final stage, oversee the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

Whereas in 2002, UNMIK outlined a series of standards of international expectations for Kosovo's institutions and society which should be achieved before the issue of Kosovo's future status is determined;

Whereas the people of Kosovo held free and fair municipal elections in 2000 and 2002 and a general election in 2001 to elect a Parliament, which in turn selected a President and Prime Minister in 2002;

Whereas on October 23, 2004, Kosovo will conduct another round of province-wide elections for the Provisional Assembly which will play a critical role in the next phase of Kosovo's efforts to implement the standards outlined by UNMIK and to enter into a process to determine Kosovo's future status;

Whereas in 2003 United States Undersecretary of State Marc Grossman announced, with the support of other

members of the International Contact Group, a formal review in mid-2005 by UNMIK of Kosovo's progress toward meeting the standards and if sufficient progress had been made to determine a process by which discussions on the province's status may begin;

Whereas the international community's efforts to bring stability to Kosovo suffered a serious blow in March 2004 when rioting and violence by Kosovo Albanians against Serb minority enclaves, resulting in the deaths of 19 civilians, over 4,000 displaced persons and wholesale damage and loss of Serb property, including several religious and cultural institutions, called into question just how strong Kosovo's government institutions are and how far Kosovo has progressed toward meeting expected standards, including whether all persons, regardless of ethnic background, race or religion, are free to live, work and travel in Kosovo without fear, hostility or danger;

Whereas most ethnic Albanian elected authorities in Kosovo recognize that substantial efforts toward reconciliation with ethnic minorities are needed for the long-term security and participation in government institutions of all citizens of Kosovo;

Whereas leaders of the Kosovo Parliament have publicly committed to developing a western-style democracy in which all citizens, regardless of ethnicity, are granted full human and civil rights and are committed to the return of all refugees, whatever their ethnicity, who fled Kosovo during and after the conflict; and

Whereas the initiative of the Special Representative of the United Nations Secretary General in Kosovo to begin a dialogue between the authorities in Belgrade and in

Pristina on issues of practical concern must be renewed and strengthened: Now, therefore, be it

Strike all after the resolved clause and insert the following:

1 That it is the sense of the House of Representatives that
2 the United States should—

3 (1) recognize that any resolution of Kosovo's
4 final status before the achievement by Kosovo of the
5 standards outlined by the United Nations Mission in
6 Kosovo (UNMIK) in 2002 could pose serious con-
7 sequences for the political and economic viability of
8 Kosovo and the stability of Southeast Europe;

9 (2) publicly support the goal of a democratic
10 government in Kosovo in which human rights, in-
11 cluding the rights of ethnic and religious minorities,
12 are respected;

13 (3) continue to support the United Nations, the
14 North Atlantic Treaty Organization, the European
15 Union, the Organization for Security and Coopera-
16 tion in Europe, and other international organizations
17 to assist Kosovo to meet the United Nations bench-
18 marks that are the necessary conditions for holding
19 discussions on the future status of Kosovo, including
20 the option of independence;

1 (4) insist that UNMIK conduct it's comprehen-
2 sive review of Kosovo's progress in developing insti-
3 tutions of democratic self-government, establishing
4 the rule of law, facilitating the return and reintegra-
5 tion of refugees into local communities, and pro-
6 tecting ethnic minorities, in accordance with the
7 benchmarks established by the United Nations not
8 later than June 2005, and move to a formal process
9 regarding the future status of Kosovo as soon as
10 practical thereafter; and

11 (5) continue to provide assistance, trade, and
12 other programs to encourage the further develop-
13 ment of democracy and a free market economic sys-
14 tem in Kosovo.

Amend the title so as to read: "Resolution express-
ing the sense of the House of Representatives that the
United States should support the development of self-gov-
ernment in Kosovo once Kosovo has made sufficient
progress, as defined by United Nations benchmarks, in
developing democratic institutions and human rights pro-
tections."

Mr. BURTON. Mr. Chairman, I will not ask the amendment be read. I will go into the details of it when we return.

Chairman HYDE. The Committee will stand in recess. Please return so we may dispose of this issue.

[Recess.]

Chairman HYDE. The Committee will come to order.

The Chair understands that there has been some further discussion of this matter between Members of the Committee during the votes on the Floor. In order to give the Committee an opportunity to look at this matter carefully, we will postpone further consideration of the matter, and I yield to Mr. Lantos.

Mr. LANTOS. Mr. Chairman, I think you are making, as usual, a wise decision; and I fully support it.

Chairman HYDE. Thank you very much.

I want to assure the Committee and other interested parties that this issue is very much alive and will be gone into, certainly, in the next Congress in detail and in depth. So this postponement is by request of the Members who want to study this a little more deeply, and I think that procedure is acceptable.

Mr. BURTON. Mr. Chairman.

Chairman HYDE. Mr. Burton.

Mr. BURTON. Your wisdom is only exceeded by your good looks. I want to thank you very much.

Chairman HYDE. Does the gentleman require additional time?

[Head shaken indicating "no."]

Chairman HYDE. All right. Without objection the Chairman is authorized to seek consideration of the bill H.R. 2760, as amended, regarding Ethiopia and Eritrea under suspension of the rules. Is there any objection?

If not, the Committee stands adjourned.

[H.R. 2760, the Committee Print showing the text of H.R. 2760 as adopted by the Subcommittee on Africa, and the amendment in the nature of a substitute follow:]

108TH CONGRESS
1ST SESSION

H. R. 2760

To limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2003

Mr. LANTOS (for himself and Mr. PAYNE) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Resolution of the
5 Ethiopia–Eritrea Border Dispute Act of 2003”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ALGIERS AGREEMENTS.—The term “Algiers
4 Agreements” means the Cessation of Hostilities
5 Agreement and the Comprehensive Peace Agree-
6 ment.

7 (2) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means the Committee on International Re-
10 lations of the House of Representatives and the
11 Committee on Foreign Relations of the Senate.

12 (3) CESSATION OF HOSTILITIES AGREEMENT.—
13 The term “Cessation of Hostilities Agreement”
14 means the Agreement on the Cessation of Hostilities
15 signed on June 18, 2000, in Algiers, Algeria, by the
16 Government of Ethiopia and the Government of Eri-
17 trea that established a temporary demilitarized secu-
18 rity zone within Eritrea to be enforced by the United
19 Nations Peacekeeping Mission in Ethiopia and Eri-
20 trea (UNMEE).

21 (4) COMPREHENSIVE PEACE AGREEMENT.—The
22 term “Comprehensive Peace Agreement” means the
23 agreement signed on December 12, 2000, in Algiers,
24 Algeria, by the Government of Ethiopia and the
25 Government of Eritrea, under the auspices of the
26 Organization of African Unity (OAU), that provided

1 for an end to military hostilities between the two
2 countries, assurances by the countries to refrain
3 from the threat or use of force against each other,
4 and established a neutral Boundary Commission to
5 delimit and demarcate the border between the two
6 countries.

7 (5) ECONOMIC ASSISTANCE.—The term “eco-
8 nomic assistance” means—

9 (A) assistance under chapter 1 of part I of
10 the Foreign Assistance Act of 1961 (relating to
11 development assistance); and

12 (B) assistance under chapter 4 of part II
13 of the Foreign Assistance Act of 1961 (relating
14 to economic support fund assistance).

15 (6) MILITARY ASSISTANCE AND ARMS TRANS-
16 FERS.—The term “military assistance and arms
17 transfers” means—

18 (A) assistance under chapter 2 of part II
19 of the Foreign Assistance Act of 1961 (relating
20 to military assistance), including the transfer of
21 excess defense articles under section 516 of that
22 Act;

23 (B) assistance under chapter 5 of part II
24 of the Foreign Assistance Act of 1961 (relating
25 to international military education and training

1 or “IMET”), including military education and
2 training for civilian personnel under section 541
3 of that Act (commonly referred to as “Ex-
4 panded IMET”); and

5 (C) assistance under the “Foreign Military
6 Financing” Program under section 23 of the
7 Arms Export Control Act and the transfer of
8 defense articles, defense services, design and
9 construction services, or any other defense-re-
10 lated training under that Act.

11 **SEC. 3. FINDINGS.**

12 Congress makes the following findings:

13 (1) On May 6, 1998, a conflict erupted between
14 Ethiopia and Eritrea, two of the world’s poorest
15 countries.

16 (2) The two-year war claimed 100,000 lives,
17 displaced more than 1,000,000 people, cost Ethiopia
18 more than \$2,900,000,000, and caused a 62 percent
19 decline in food production in Eritrea.

20 (3) Millions of dollars were diverted from much
21 needed development projects into military activities
22 and weapons procurements at a time when severe
23 drought threatened a famine in both Ethiopia and
24 Eritrea, as bad as the famine in 1984 in those coun-
25 tries, putting more than 13,000,000 lives at risk.

1 (4) On June 18, 2000, Prime Minister Meles
2 Zenawi of the Federal Democratic Republic of Ethi-
3 opia and President Issaias Afewerki of the State of
4 Eritrea signed the Cessation of Hostilities Agree-
5 ment in Algiers, Algeria. On December 12, 2000,
6 the two countries also signed the Comprehensive
7 Peace Agreement in Algiers under the auspices of
8 the Organization of African Unity (OAU) and in the
9 presence of United Nations Secretary General Kofi
10 Annan and President Abdel-Aziz Boutheflika of Al-
11 geria.

12 (5) Article 4.2 of the Comprehensive Peace
13 Agreement states the following: “The parties agree
14 that a neutral Boundary Commission composed of
15 five members shall be established with a mandate to
16 delimit and demarcate the colonial treaty border [be-
17 tween the two countries] based on pertinent colonial
18 treaties (1900, 1902 and 1908) and applicable inter-
19 national law.”.

20 (6) Article 4.15 of the Comprehensive Peace
21 Agreement states the following: “The parties agree
22 that the delimitation and demarcation determina-
23 tions of the Commission shall be final and binding.
24 Each party shall respect the border so determined,

1 as well as territorial integrity and sovereignty of the
2 other party.”.

3 (7)(A) The President of the United Nations Se-
4 curity Council, on behalf of the Security Council,
5 confirmed the Security Council’s endorsement of the
6 terms and conditions of the Algiers Agreements,
7 with special reference to the neutral Boundary Com-
8 mission described in Article 4.2 of the Comprehen-
9 sive Peace Agreement and its mandate.

10 (B) In addition, the Security Council reaffirmed
11 its support for the Algiers Agreements in United
12 Nations Security Council Resolution 1308 (July 17,
13 2000), 1312 (July 31, 2000), 1320 (September 15,
14 2000), 1344 (March 15, 2001), 1369 (September
15 14, 2001), 1398 (March 15, 2002), 1430 (August
16 14, 2002), 1434 (September 6, 2002), and 1466
17 (March 14, 2003).

18 (8) On April 13, 2002, the neutral Boundary
19 Commission announced its “Delimitation Decision”,
20 reiterating that both parties had agreed that it
21 would be “final and binding”.

22 (9) Following the decision of the Boundary
23 Commission that the heavily disputed town of
24 Badme would be zoned to the Eritrean side of the
25 new border, Foreign Minister Seyoum Mesfin of

1 Ethiopia announced on April 15, 2003, that “[n]o-
2 one expects the [G]overnment of Ethiopia to accept
3 these mistakes committed by the Commission”. Fur-
4 ther, the Ethiopian Ministry of Information released
5 a statement accusing the Boundary Commission of
6 an “unfair tendency” in implementing the border
7 ruling and “misinterpreting” the Algiers Agree-
8 ments.

9 (10) In his March 6, 2003, “Progress Report”
10 to the United Nations Security Council, Secretary
11 General Kofi Annan reported that Prime Minister
12 Zenawi of Ethiopia had expressed to his Special
13 Representative, Legwaila Joseph Legwaila, that “if
14 its concerns were not adequately addressed Ethiopia
15 might eventually reject the demarcation-related deci-
16 sions of the Commission”.

17 (11) The independent Boundary Commission
18 has investigated, reviewed, and rejected Ethiopia’s
19 claims with respect to the village of Badme, and in
20 a report issued on March 21, 2003, stated that,
21 based on the boundary line from the 1902 treaty be-
22 tween the two countries that was used as the ref-
23 erence under the terms of the Algiers Agreements,
24 the evidence submitted by the Government of Ethi-
25 opia to support its claim was “inadequate and incon-

1 sistent” and the Commission “cannot allow one
2 party to claim a territorial right, to insist on adjust-
3 ments of parts of the boundary which that party
4 finds disadvantageous”.

5 **SEC. 4. SENSE OF CONGRESS.**

6 It is the sense of Congress that both Ethiopia and
7 Eritrea should take all appropriate actions to implement
8 the Algiers Agreements, including by accepting the “De-
9 limitation Decision” issued by the neutral Boundary Com-
10 mission on April 13, 2002, with respect to the boundary
11 between the two countries.

12 **SEC. 5. DECLARATIONS OF POLICY.**

13 Congress makes the following declarations:

14 (1) Congress expresses its support for the
15 Boundary Commission established by the Com-
16 prehensive Peace Agreement and calls on the inter-
17 national community to continue to support the
18 United Nations trust fund established to facilitate
19 the process of demarcation between Ethiopia and
20 Eritrea and the economic and social transition of af-
21 fected communities to new borders determined by
22 the Commission.

23 (2) Congress further declares that it shall be
24 the policy of the United States to limit United
25 States assistance for Ethiopia or Eritrea if either

1 such country is not in compliance with, or is not
2 taking significant steps to comply with, the terms
3 and conditions of the Algiers Agreements.

4 (3) Congress strongly condemns recent state-
5 ments by senior Ethiopian officials criticizing the
6 Boundary Commission's decision and calls on the
7 Government of Ethiopia to immediately end its in-
8 transigence and fully cooperate with the Commis-
9 sion.

10 **SEC. 6. LIMITATIONS ON UNITED STATES ASSISTANCE.**

11 (a) **LIMITATION ON ECONOMIC ASSISTANCE.**—Eco-
12 nomic assistance may only be provided for Ethiopia or Eri-
13 trea for any period of time for which the President deter-
14 mines that Ethiopia or Eritrea (as the case may be) is
15 in compliance with, or is taking significant steps to comply
16 with, the terms and conditions of the Algiers Agreements.

17 (b) **LIMITATION ON MILITARY ASSISTANCE AND**
18 **ARMS TRANSFERS.**—Military assistance and arms trans-
19 fers may only be provided for Ethiopia or Eritrea for any
20 period of time for which the President determines that
21 Ethiopia or Eritrea (as the case may be) is in compliance
22 with, or is taking significant steps to comply with, the
23 terms and conditions of the Algiers Agreements.

24 (c) **EXCEPTIONS.**—The limitation on assistance
25 under subsections (a) and (b) shall not apply with respect

1 to humanitarian assistance (such as food or medical as-
2 sistance), peacekeeping assistance, counterterrorism ini-
3 tiatives, assistance to protect or promote human rights,
4 and assistance to prevent, treat, and control HIV/AIDS.

5 (d) WAIVER.—The President may waive the applica-
6 tion of subsection (a) or (b) with respect to Ethiopia or
7 Eritrea if the President determines that it is in the na-
8 tional security interests of the United States to do so.

9 **SEC. 7. REPORT.**

10 Until the date on which the border demarcation be-
11 tween Ethiopia and Eritrea is finalized, the President
12 shall prepare and transmit on a regular basis to the appro-
13 priate congressional committees a report that contains a
14 description of progress being made toward such demarca-
15 tion, including the extent to which Ethiopia and Eritrea
16 are in compliance with, or are taking significant steps to
17 comply with, the terms and conditions of the Algiers
18 Agreements.

○

[COMMITTEE PRINT]

**(Showing the text of H.R. 2760, as Adopted by the
Subcommittee on Africa on October 10, 2003)**

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Resolution of the
3 Ethiopia–Eritrea Border Dispute Act of 2004”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **ALGIERS AGREEMENTS.**—The term “Algiers
7 Agreements” means the Cessation of Hostilities
8 Agreement and the Comprehensive Peace Agree-
9 ment.

10 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means the Committee on International Re-
13 lations of the House of Representatives and the
14 Committee on Foreign Relations of the Senate.

15 (3) **CESSATION OF HOSTILITIES AGREEMENT.**—
16 The term “Cessation of Hostilities Agreement”
17 means the Agreement on the Cessation of Hostilities
18 signed on June 18, 2000, in Algiers, Algeria, by the
19 Government of Ethiopia and the Government of Eri-

1 trea that established a temporary demilitarized secu-
2 rity zone within Eritrea to be enforced by the United
3 Nations Peacekeeping Mission in Ethiopia and Eri-
4 trea (UNMEE).

5 (4) COMPREHENSIVE PEACE AGREEMENT.—The
6 term “Comprehensive Peace Agreement” means the
7 agreement signed on December 12, 2000, in Algiers,
8 Algeria, by the Government of Ethiopia and the
9 Government of Eritrea, under the auspices of the
10 Organization of African Unity (OAU), that provided
11 for an end to military hostilities between the two
12 countries, assurances by the countries to refrain
13 from the threat or use of force against each other,
14 and established a neutral Boundary Commission to
15 delimit and demarcate the border between the two
16 countries.

17 (5) ECONOMIC ASSISTANCE.—The term “eco-
18 nomic assistance” means—

19 (A) assistance under chapter 1 of part I of
20 the Foreign Assistance Act of 1961 (relating to
21 development assistance); and

22 (B) assistance under chapter 4 of part II
23 of the Foreign Assistance Act of 1961 (relating
24 to economic support fund assistance).

1 (6) MILITARY ASSISTANCE AND ARMS TRANS-
2 FERS.—The term “military assistance and arms
3 transfers” means—

4 (A) assistance under chapter 2 of part II
5 of the Foreign Assistance Act of 1961 (relating
6 to military assistance), including the transfer of
7 excess defense articles under section 516 of that
8 Act;

9 (B) assistance under chapter 5 of part II
10 of the Foreign Assistance Act of 1961 (relating
11 to international military education and training
12 or “IMET”), including military education and
13 training for civilian personnel under section 541
14 of that Act (commonly referred to as “Ex-
15 panded IMET”); and

16 (C) assistance under the “Foreign Military
17 Financing” Program under section 23 of the
18 Arms Export Control Act and the transfer of
19 defense articles, defense services, design and
20 construction services, or any other defense-re-
21 lated training under that Act.

22 **SEC. 3. FINDINGS.**

23 Congress makes the following findings:

1 (1) On May 6, 1998, a conflict erupted between
2 Ethiopia and Eritrea, two of the world's poorest
3 countries.

4 (2) The two-year war claimed 100,000 lives,
5 displaced more than 1,000,000 people, cost Ethiopia
6 more than \$2,900,000,000, and caused a 62 percent
7 decline in food production in Eritrea.

8 (3) Millions of dollars were diverted from much
9 needed development projects into military activities
10 and weapons procurements at a time when severe
11 drought threatened a famine in both Ethiopia and
12 Eritrea, as bad as the famine in 1984 in those coun-
13 tries, putting more than 13,000,000 lives at risk.

14 (4) On June 18, 2000, Prime Minister Meles
15 Zenawi of the Federal Democratic Republic of Ethi-
16 opia and President Issaias Afewerki of the State of
17 Eritrea signed the Cessation of Hostilities Agree-
18 ment in Algiers, Algeria. On December 12, 2000,
19 the two countries also signed the Comprehensive
20 Peace Agreement in Algiers under the auspices of
21 the Organization of African Unity (OAU) and in the
22 presence of United Nations Secretary General Kofi
23 Annan and President Abdel-Aziz Boutheflika of Al-
24 geria.

1 (5) Article 4.2 of the Comprehensive Peace
2 Agreement states the following: “The parties agree
3 that a neutral Boundary Commission composed of
4 five members shall be established with a mandate to
5 delimit and demarcate the colonial treaty border [be-
6 tween the two countries] based on pertinent colonial
7 treaties (1900, 1902 and 1908) and applicable inter-
8 national law.”.

9 (6) Article 4.15 of the Comprehensive Peace
10 Agreement states the following: “The parties agree
11 that the delimitation and demarcation determina-
12 tions of the Commission shall be final and binding.
13 Each party shall respect the border so determined,
14 as well as territorial integrity and sovereignty of the
15 other party.”.

16 (7)(A) The President of the United Nations Se-
17 curity Council, on behalf of the Security Council,
18 confirmed the Security Council’s endorsement of the
19 terms and conditions of the Algiers Agreements,
20 with special reference to the neutral Boundary Com-
21 mission described in Article 4.2 of the Comprehen-
22 sive Peace Agreement and its mandate.

23 (B) In addition, the Security Council reaffirmed
24 its support for the Algiers Agreements in United
25 Nations Security Council Resolution 1312 (July 31,

1 2000), 1320 (September 15, 2000), 1344 (March
2 15, 2001), 1369 (September 14, 2001), 1398
3 (March 15, 2002), 1430 (August 14, 2002), 1434
4 (September 6, 2002), and 1466 (March 14, 2003).

5 (8) On April 13, 2002, the neutral Boundary
6 Commission announced its “Delimitation Decision”,
7 reiterating that both parties had agreed that it
8 would be “final and binding”.

9 (9) Following the decision of the Boundary
10 Commission that the heavily disputed town of
11 Badme would be zoned to the Eritrean side of the
12 new border, Foreign Minister Seyoum Mesfin of
13 Ethiopia announced on April 15, 2003, that “[n]o-
14 one expects the [G]overnment of Ethiopia to accept
15 these mistakes committed by the Commission”. Fur-
16 ther, the Ethiopian Ministry of Information released
17 a statement accusing the Boundary Commission of
18 an “unfair tendency” in implementing the border
19 ruling and “misinterpreting” the Algiers Agree-
20 ments.

21 (10) In his March 6, 2003, “Progress Report”
22 to the United Nations Security Council, Secretary
23 General Kofi Annan reported that Prime Minister
24 Zenawi of Ethiopia had expressed to his Special
25 Representative, Legwaila Joseph Legwaila, that “if

1 its concerns were not properly addressed Ethiopia
2 might eventually reject the demarcation-related deci-
3 sions of the Commission”.

4 (11) On September 19, 2003, Prime Minister
5 Zenawi wrote to United Nations Secretary General
6 Kofi Annan and stated: “As the Commission’s deci-
7 sions could inevitably lead the two countries into an-
8 other round of fratricidal war, the Security Council
9 has an obligation, arising out of the UN Charter, to
10 avert such a threat to regional peace and stability.”.

11 (12) On October 3, 2003, the United Nations
12 Security Council wrote to Prime Minister Zenawi
13 and stated: “The members of the Security Council
14 therefore wish to convey to you their deep regret at
15 the intention of the government of Ethiopia not to
16 accept the entirety of the delimitation and demarca-
17 tion decision as decided by the boundary commis-
18 sion. They note in particular, that Ethiopia has com-
19 mitted itself under the Algiers Agreements to accept
20 the boundary decision as final and binding.”.

21 **SEC. 4. SENSE OF CONGRESS.**

22 It is the sense of Congress that both Ethiopia and
23 Eritrea should take all appropriate actions to implement
24 the Algiers Agreements, including by accepting the “De-
25 limitation Decision” issued by the neutral Boundary Com-

1 mission on April 13, 2002, with respect to the boundary
2 between the two countries.

3 **SEC. 5. DECLARATIONS OF POLICY.**

4 Congress makes the following declarations:

5 (1) Congress expresses its support for the
6 Boundary Commission established by the Com-
7 prehensive Peace Agreement and calls on the inter-
8 national community to continue to support the
9 United Nations trust fund established to facilitate
10 the process of demarcation between Ethiopia and
11 Eritrea and the economic and social transition of af-
12 fected communities to new borders determined by
13 the Commission.

14 (2) Congress further declares that it shall be
15 the policy of the United States to limit United
16 States assistance for Ethiopia or Eritrea if either
17 such country is not in compliance with, or is not
18 taking significant steps to comply with, the terms
19 and conditions of the Algiers Agreements.

20 (3) Congress strongly condemns recent state-
21 ments by senior Ethiopian officials criticizing the
22 Boundary Commission's decision and calls on the
23 Government of Ethiopia to immediately end its in-
24 transigence and fully cooperate with the Commis-
25 sion.

1 **SEC. 6. LIMITATIONS ON UNITED STATES ASSISTANCE.**

2 (a) **LIMITATION ON ECONOMIC ASSISTANCE.**—Eco-
3 nomic assistance may only be provided for Ethiopia or Eri-
4 trea for any period of time for which the President deter-
5 mines that Ethiopia or Eritrea (as the case may be) is
6 in compliance with, or is taking significant steps to comply
7 with, the terms and conditions of the Algiers Agreements.

8 (b) **LIMITATION ON MILITARY ASSISTANCE AND**
9 **ARMS TRANSFERS.**—Military assistance and arms trans-
10 fers may only be provided for Ethiopia or Eritrea for any
11 period of time for which the President determines that
12 Ethiopia or Eritrea (as the case may be) is in compliance
13 with, or is taking significant steps to comply with, the
14 terms and conditions of the Algiers Agreements.

15 (c) **EXCEPTIONS.**—The limitation on assistance
16 under subsections (a) and (b) shall not apply with respect
17 to humanitarian assistance (such as food or medical as-
18 sistance), peacekeeping assistance, counterterrorism ini-
19 tiatives, assistance to protect or promote human rights,
20 and assistance to prevent, treat, and control HIV/AIDS.

21 (d) **WAIVER.**—The President may waive the applica-
22 tion of subsection (a) or (b) with respect to Ethiopia or
23 Eritrea if the President determines that it is in the na-
24 tional security interests of the United States to do so.

1 **SEC. 7. INTEGRATION AND BORDER DEVELOPMENT INITIA-**
2 **TIVE.**

3 (a) ASSISTANCE.—After the date on which the border
4 demarcation between Ethiopia and Eritrea is finalized
5 (consistent with the decision of the Eritrea–Ethiopia
6 Boundary Commission), the President shall establish and
7 carry out an initiative in conjunction with the Govern-
8 ments of Ethiopia and Eritrea under which assistance is
9 provided to reduce the adverse humanitarian impacts on
10 the populations of the border region, prevent conflict
11 which might result from the demarcation process, and fur-
12 ther social and economic development projects that are
13 identified and evaluated by local authorities to establish
14 sustainable integration, development, and trade at the bor-
15 der region.

16 (b) PROJECT EXAMPLES.—Examples of development
17 projects referred to in subsection (a) are—

18 (1) startup initiatives, including farming
19 projects, to promote community economic develop-
20 ment and the free flow of trade across the border be-
21 tween the two countries;

22 (2) generous compensation packages for fami-
23 lies displaced by the border demarcation and support
24 for relocation;

1 (3) effective mechanisms for managing move-
2 ment of persons across the border between the two
3 countries;

4 (4) an increase in the supply of basic services
5 in the border region, including water, sanitation,
6 housing, health care, and education; and

7 (5) support for local efforts to reinforce peace
8 and reconciliation in the border region.

9 **SEC. 8. REPORT.**

10 Until the date on which the border demarcation be-
11 tween Ethiopia and Eritrea is finalized, the President
12 shall prepare and transmit on a regular basis to the appro-
13 priate congressional committees a report that contains a
14 description of progress being made toward such demarca-
15 tion, including the extent to which Ethiopia and Eritrea
16 are in compliance with, or are taking significant steps to
17 comply with, the terms and conditions of the Algiers
18 Agreements.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2760
OFFERED BY MR. LANTOS**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Resolution of the
3 Ethiopia–Eritrea Border Dispute Act of 2004”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **ALGIERS AGREEMENTS.**—The term “Algiers
7 Agreements” means the Cessation of Hostilities
8 Agreement and the Comprehensive Peace Agree-
9 ment.

10 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means the Committee on International Re-
13 lations of the House of Representatives and the
14 Committee on Foreign Relations of the Senate.

15 (3) **CESSATION OF HOSTILITIES AGREEMENT.**—
16 The term “Cessation of Hostilities Agreement”
17 means the Agreement on the Cessation of Hostilities
18 signed on June 18, 2000, in Algiers, Algeria, by the
19 Government of Ethiopia and the Government of Eri-

1 trea that established a temporary demilitarized secu-
2 rity zone within Eritrea to be enforced by the United
3 Nations Peacekeeping Mission in Ethiopia and Eri-
4 trea (UNMEE).

5 (4) COMPREHENSIVE PEACE AGREEMENT.—The
6 term “Comprehensive Peace Agreement” means the
7 agreement signed on December 12, 2000, in Algiers,
8 Algeria, by the Government of Ethiopia and the
9 Government of Eritrea, under the auspices of the
10 Organization of African Unity (OAU), that provided
11 for an end to military hostilities between the two
12 countries, assurances by the countries to refrain
13 from the threat or use of force against each other,
14 and established a neutral Boundary Commission to
15 delimit and demarcate the border between the two
16 countries.

17 (5) ECONOMIC ASSISTANCE.—The term “eco-
18 nomic assistance” means—

19 (A) assistance under chapter 1 of part I of
20 the Foreign Assistance Act of 1961 (relating to
21 development assistance); and

22 (B) assistance under chapter 4 of part II
23 of the Foreign Assistance Act of 1961 (relating
24 to economic support fund assistance).

1 (6) MILITARY ASSISTANCE AND ARMS TRANS-
2 FERS.—The term “military assistance and arms
3 transfers” means—

4 (A) assistance under chapter 2 of part II
5 of the Foreign Assistance Act of 1961 (relating
6 to military assistance), including the transfer of
7 excess defense articles under section 516 of that
8 Act;

9 (B) assistance under chapter 5 of part II
10 of the Foreign Assistance Act of 1961 (relating
11 to international military education and training
12 or “IMET”), including military education and
13 training for civilian personnel under section 541
14 of that Act (commonly referred to as “Ex-
15 panded IMET”); and

16 (C) assistance under the “Foreign Military
17 Financing” Program under section 23 of the
18 Arms Export Control Act and the transfer of
19 defense articles, defense services, design and
20 construction services, or any other defense-re-
21 lated training under that Act.

22 **SEC. 3. FINDINGS.**

23 Congress makes the following findings:

1 (1) On May 6, 1998, a conflict erupted between
2 Ethiopia and Eritrea, two of the world's poorest
3 countries.

4 (2) The two-year war claimed 100,000 lives,
5 displaced more than 1,000,000 people, cost Ethiopia
6 more than \$2,900,000,000, and caused a 62 percent
7 decline in food production in Eritrea.

8 (3) Millions of dollars were diverted from much
9 needed development projects into military activities
10 and weapons procurements at a time when severe
11 drought threatened a famine in both Ethiopia and
12 Eritrea, as bad as the famine in 1984 in those coun-
13 tries, putting more than 13,000,000 lives at risk.

14 (4) On June 18, 2000, Prime Minister Meles
15 Zenawi of the Federal Democratic Republic of Ethi-
16 opia and President Issaias Afewerki of the State of
17 Eritrea signed the Cessation of Hostilities Agree-
18 ment in Algiers, Algeria. On December 12, 2000,
19 the two countries also signed the Comprehensive
20 Peace Agreement in Algiers under the auspices of
21 the Organization of African Unity (OAU) and in the
22 presence of United Nations Secretary General Kofi
23 Annan and President Abdel-Aziz Boutheflika of Al-
24 geria.

1 (5) Article 4.2 of the Comprehensive Peace
2 Agreement states the following: “The parties agree
3 that a neutral Boundary Commission composed of
4 five members shall be established with a mandate to
5 delimit and demarcate the colonial treaty border [be-
6 tween the two countries] based on pertinent colonial
7 treaties (1900, 1902 and 1908) and applicable inter-
8 national law.”.

9 (6) Article 4.15 of the Comprehensive Peace
10 Agreement states the following: “The parties agree
11 that the delimitation and demarcation determina-
12 tions of the Commission shall be final and binding.
13 Each party shall respect the border so determined,
14 as well as territorial integrity and sovereignty of the
15 other party.”.

16 (7)(A) The President of the United Nations Se-
17 curity Council, on behalf of the Security Council,
18 confirmed the Security Council’s endorsement of the
19 terms and conditions of the Algiers Agreements,
20 with special reference to the neutral Boundary Com-
21 mission described in Article 4.2 of the Comprehen-
22 sive Peace Agreement and its mandate.

23 (B) In addition, the Security Council reaffirmed
24 its support for the Algiers Agreements in United
25 Nations Security Council Resolution 1312 (July 31,

1 2000), 1320 (September 15, 2000), 1344 (March
2 15, 2001), 1369 (September 14, 2001), 1398
3 (March 15, 2002), 1430 (August 14, 2002), 1434
4 (September 6, 2002), 1466 (March 14, 2003), 1507
5 (September 12, 2003), 1531 (March 12, 2004), and
6 1560 (September 14, 2004).

7 (8) On April 13, 2002, the neutral Boundary
8 Commission announced its “Delimitation Decision”,
9 reiterating that both parties had agreed that it
10 would be “final and binding”.

11 (9) Following the decision of the Boundary
12 Commission that the heavily disputed town of
13 Badme would be zoned to the Eritrean side of the
14 new border, Foreign Minister Seyoum Mesfin of
15 Ethiopia announced on April 15, 2003, that “[n]o-
16 one expects the [G]overnment of Ethiopia to accept
17 these mistakes committed by the Commission”. Fur-
18 ther, the Ethiopian Ministry of Information released
19 a statement accusing the Boundary Commission of
20 an “unfair tendency” in implementing the border
21 ruling and “misinterpreting” the Algiers Agree-
22 ments.

23 (10) In his March 6, 2003, “Progress Report”
24 to the United Nations Security Council, Secretary
25 General Kofi Annan reported that Prime Minister

1 Zenawi of Ethiopia had expressed to his Special
2 Representative, Legwaila Joseph Legwaila, that “if
3 its concerns were not properly addressed Ethiopia
4 might eventually reject the demarcation-related deci-
5 sions of the Commission”.

6 (11) On September 19, 2003, Prime Minister
7 Zenawi wrote to United Nations Secretary General
8 Kofi Annan and stated: “As the Commission’s deci-
9 sions could inevitably lead the two countries into an-
10 other round of fratricidal war, the Security Council
11 has an obligation, arising out of the UN Charter, to
12 avert such a threat to regional peace and stability.”.

13 (12) On October 3, 2003, the United Nations
14 Security Council wrote to Prime Minister Zenawi
15 and stated: “The members of the Security Council
16 therefore wish to convey to you their deep regret at
17 the intention of the government of Ethiopia not to
18 accept the entirety of the delimitation and demarca-
19 tion decision as decided by the boundary commis-
20 sion. They note in particular, that Ethiopia has com-
21 mitted itself under the Algiers Agreements to accept
22 the boundary decision as final and binding.”.

23 (13)(A) In an attempt to resolve the continued
24 impasse, United Nations Secretary General Kofi
25 Annan offered his good offices to the two parties

1 and appointed Mr. Lloyd Axworthy, former Minister
2 for Foreign Affairs of Canada, to serve as his Spe-
3 cial Envoy for Ethiopia and Eritrea on January 29,
4 2004.

5 (B) Despite the assurances of the United Na-
6 tions Secretary General, including in his Progress
7 Reports of March 6, 2004, and July 7, 2004, that
8 the appointment of the Special Envoy was “not in-
9 tended to establish an alternative mechanism to the
10 Boundary Commission or to renegotiate its final and
11 binding decision”, President Isaias of Eritrea has re-
12 fused to meet with the Special Envoy or otherwise
13 engage in political dialogue aimed at resolving the
14 current impasse.

15 (14) In his July 7, 2004, “Progress Report” to
16 the United Nations Security Council, Secretary Gen-
17 eral Kofi Annan reported that the Ethiopian Min-
18 istry of Foreign Affairs continues to reiterate its po-
19 sition that “the current demarcation line would dis-
20 rupt the lives of border communities and lead to fu-
21 ture conflict”.

22 (15) In that same report, Secretary General
23 Annan reminded both governments that they them-
24 selves “entrusted the Boundary Commission with
25 the entire demarcation process, drew up its mandate

1 and selected its Commissioners” and called upon the
2 Government of Ethiopia to “unequivocally restate its
3 acceptance of the Boundary Commission’s decision,
4 appoint field liaison officers, and pay its dues to and
5 otherwise cooperate fully and expeditiously with the
6 Commission”.

7 **SEC. 4. SENSE OF CONGRESS.**

8 It is the sense of Congress that Ethiopia and
9 Eritrea—

10 (1) should take all appropriate actions to imple-
11 ment the Algiers Agreements, including by accepting
12 the “Delimitation Decision” issued by the neutral
13 Boundary Commission on April 13, 2002, with re-
14 spect to the boundary between the two countries;
15 and

16 (2) should fully cooperate with the United Na-
17 tions Special Envoy for Ethiopia-Eritrea, Lloyd
18 Axworthy, whose mandate is the implementation of
19 the Algiers Agreement, the Delimitation Decision of
20 the Boundary Commission, and the relevant resolu-
21 tions and decisions of the United Nations Security
22 Council.

23 **SEC. 5. DECLARATIONS OF POLICY.**

24 Congress makes the following declarations:

1 (1) Congress expresses its support for the
2 Boundary Commission established by the Com-
3 prehensive Peace Agreement and calls on the inter-
4 national community to continue to support the
5 United Nations trust fund established to facilitate
6 the process of demarcation between Ethiopia and
7 Eritrea and the economic and social transition of af-
8 fected communities to new borders determined by
9 the Commission.

10 (2) Congress further declares that it shall be
11 the policy of the United States to limit United
12 States assistance for Ethiopia or Eritrea if either
13 such country is not in compliance with, or is not
14 taking significant steps to comply with, the terms
15 and conditions of the Algiers Agreements.

16 (3) Congress strongly condemns statements by
17 senior Ethiopian officials criticizing the Boundary
18 Commission's decision and calls on the Government
19 of Ethiopia to immediately and unconditionally fulfill
20 its commitments under the Algiers Agreements, pub-
21 licly accept the Boundary Commission's decision,
22 and fully cooperate with the implementation of such
23 decision.

24 (4) Congress recognizes the acceptance by the
25 Government of Eritrea of the Boundary Commis-

1 sion's decision as final and binding, but condemns
2 the Government of Eritrea's continued refusal to
3 take advantage of the good offices offered by the
4 United Nations Secretary General, to work with
5 Special Envoy Lloyd Axworthy, or to otherwise en-
6 gage in dialogue aimed at resolving the current im-
7 passe, and calls on the President of Eritrea to do so
8 without further delay.

9 **SEC. 6. LIMITATIONS ON UNITED STATES ASSISTANCE.**

10 (a) **LIMITATION ON ECONOMIC ASSISTANCE.**—Eco-
11 nomic assistance may only be provided for Ethiopia or Eri-
12 trea for any period of time for which the President deter-
13 mines that Ethiopia or Eritrea (as the case may be) is
14 in compliance with, or is taking significant steps to comply
15 with, the terms and conditions of the Algiers Agreements.

16 (b) **LIMITATION ON MILITARY ASSISTANCE AND**
17 **ARMS TRANSFERS.**—Military assistance and arms trans-
18 fers may only be provided for Ethiopia or Eritrea for any
19 period of time for which the President determines that
20 Ethiopia or Eritrea (as the case may be) is in compliance
21 with, or is taking significant steps to comply with, the
22 terms and conditions of the Algiers Agreements.

23 (c) **EXCEPTIONS.**—The limitation on assistance
24 under subsections (a) and (b) shall not apply with respect
25 to humanitarian assistance (such as food or medical as-

1 sistance), assistance to protect or promote human rights,
2 and assistance to prevent, treat, and control HIV/AIDS.

3 (d) WAIVER.—The President may waive the applica-
4 tion of subsection (a) or (b) with respect to Ethiopia or
5 Eritrea, particularly for the provision of peacekeeping as-
6 sistance or counterterrorism assistance, if the President
7 determines and certifies to the appropriate congressional
8 committees that it is in the national interests of the
9 United States to do so.

10 **SEC. 7. INTEGRATION AND BORDER DEVELOPMENT INITIA-**
11 **TIVE.**

12 (a) ASSISTANCE.—After the date on which the border
13 demarcation between Ethiopia and Eritrea is finalized
14 (consistent with the decision of the Boundary Commission
15 established by the Comprehensive Peace Agreement), the
16 President shall establish and carry out an initiative in con-
17 junction with the Governments of Ethiopia and Eritrea
18 under which assistance is provided to reduce the adverse
19 humanitarian impacts on the populations of the border re-
20 gion, prevent conflict which might result from the demar-
21 cation process, and further social and economic develop-
22 ment projects that are identified and evaluated by local
23 authorities to establish sustainable integration, develop-
24 ment, and trade at the border region.

1 (b) PROJECT EXAMPLES.—Examples of development
2 projects referred to in subsection (a) are—

3 (1) startup initiatives, including farming
4 projects, to promote community economic develop-
5 ment and the free flow of trade across the border be-
6 tween the two countries;

7 (2) generous compensation packages for fami-
8 lies displaced by the border demarcation and support
9 for relocation;

10 (3) effective mechanisms for managing move-
11 ment of persons across the border between the two
12 countries;

13 (4) an increase in the supply of basic services
14 in the border region, including water, sanitation,
15 housing, health care, and education; and

16 (5) support for local efforts to reinforce peace
17 and reconciliation in the border region.

18 **SEC. 8. REPORT.**

19 Until the date on which the border demarcation be-
20 tween Ethiopia and Eritrea is finalized, the President
21 shall prepare and transmit on a regular basis to the appro-
22 priate congressional committees a report that contains a
23 description of progress being made toward such demarca-
24 tion, including the extent to which Ethiopia and Eritrea
25 are in compliance with, or are taking significant steps to

1 comply with, the terms and conditions of the Algiers
2 Agreements, and are otherwise cooperating with inter-
3 nationally-sanctioned efforts to resolve the current im-
4 passe.

[Whereupon, at 12:30 p.m., the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

H.R. 2760, THE RESOLUTION OF THE ETHIOPIA-ERITREA BORDER DISPUTE ACT OF 2004

Beginning on May 6, 1998, a border dispute between the east African countries of Ethiopia and Eritrea erupted into a full-scale war, which ultimately resulted in the death of over 100,000 people and displacement over one million others. Unfortunately, the effects of this tragic war still haunt us today.

After two years of brutal warfare and countless mediation efforts, the Prime Minister of Ethiopia and the President of Eritrea finally signed a Comprehensive Peace Agreement in Algiers, Algeria. With an eye toward avoiding future border disputes, the Algiers Agreement established a neutral Boundary Commission charged with the delimitation and demarcation of a permanent boundary between Ethiopia and Eritrea. The parties themselves—Ethiopia and Eritrea—drew up the Commission's mandate, selected the commissioners, and agreed to accept its determinations as “final and binding.”

The Commission met, studied the relevant maps and treaties, and finally announced its decision on April 13, 2002. Now, two-and-a-half years later, that border has yet to be demarcated.

Why is it that the Boundary Commission's decision, which both Ethiopia and Eritrea agreed to accept as final and binding, has yet to be implemented, and the border has yet to be demarcated?

While Eritrea continually reaffirms its acceptance of the Commission's decision as “final and binding,” senior officials in the Ethiopian Government repeatedly denounce the Commission and refuse to allow demarcation to move forward. Ethiopia's decision to flout its international obligations and refusal to publicly accept the Commission's decision is unacceptable, and must not be allowed to continue.

To help move the demarcation process forward, United Nations Secretary-General Kofi Annan appointed the former Canadian Minister of Foreign Affairs, Lloyd Axworthy, to serve as his Special Envoy to Ethiopia and Eritrea. Although the Secretary-General repeatedly has made it clear that Mr. Axworthy has been tasked only with facilitating dialogue between the parties so that the Commission's decision can be implemented, Eritrea has refused to recognize or meet with him. The Eritreans will not even entertain political dialogue with the Ethiopians until the entire border has been physically demarcated. Eritrea's continued stubbornness also contributes to the impasse we currently face.

So, while Ethiopia rejects the decision of the Boundary Commission, and Eritrea refuses to engage in any dialogue which might actually facilitate implementation of that decision, the conflict drags on.

Meanwhile, the United Nations Mission in Ethiopia and Eritrea (UNMEE) has been deployed to the region for the past four years, at a cost of \$850 million (of which the U.S. share has been \$237 million). Though UNMEE's presence has contributed to stability in the border region, it was never intended to be a permanent fixture. UNMEE has been specifically tasked with facilitating demarcation of the border. That mandate cannot be fulfilled under the current conditions. Given that reality, it makes it very difficult to justify diverting precious peacekeeping resources toward a mission with no job to do.

H.R. 2760 is intended to give to the parties involved in this conflict a much-needed and well-deserved push forward so that the border can be demarcated and Ethiopia and Eritrea can move toward normalization. As introduced, the bill would limit

United States assistance to any country which is not in compliance with the Algiers Agreement. There is an exception made for humanitarian assistance and assistance to treat and prevent HIV/AIDS, as well as a national interest waiver. An exception may also be made for peacekeeping assistance, but only if Congress is notified.

H.R. 2760, including amendments which I expect will be offered by the esteemed Ranking Democratic Member and sponsor of this legislation, was painstakingly drafted such that it would be neither “pro-Ethiopian” nor “pro-Eritrean.” The bill is simply “pro-demarcation.” The approach is reasonable and just, and I urge your support.

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA

The Subcommittee on Africa marked this bill—and I want to commend its author, Mr. Lantos—a year ago. Unfortunately, there has been little to no progress resolving the border dispute between Ethiopia and Eritrea. The effort to resolve the border dispute between the two countries follows a bloody two-year war that has taken some 100,000 lives. This international effort to demarcate their common border, the Boundary Commission, whose ruling the two parties agreed would be binding, has bogged down, rejected by Ethiopia.

This legislation creates incentives for both countries to abide by the Commission’s decision. It is not anti-Ethiopia, and it is not pro-Eritrea. This legislation is crafted to be pro-Boundary Commission, pro-rule of law, and ultimately, pro-peace. I don’t expect either government to understand this, though, as both are so deeply mired in a zero-sum game mentality. Nothing in the minds of these leaderships—who I would add, so poorly serve their people—can be mutually beneficial. We must do what we can, though, and this legislation uses our development aid leverage to back the Boundary Commission. It deserves our strong support.

